IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

-

WRIT PETITION NO : 19510 of 2004

Between:

Varri Demudu, S/o. Sanni Babu,
Sudivalasa Segment, K. Kotapadu (Po) & Mandal,

Visakhapatnam District.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Visakhapatnam.
2 The District Collector, Visakhapatnam.
3 The Mandal Development Officer, K. Kotapadu Mandal and Po. Visakhapatnam District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, order or direction in the nature of mandamus declaring the action of the respondents herein in conducting the election to the post of President, Mandal Parishad, K. Kotapadu, Visakhapatnam District on 29.10.2004 at 11 A.M., under Section 153 of A.P. Panchayat Raj Act of 1994 as per the Notification of State Election Commission No.15/SEC-B1/2004-38 dt. 19.10.2004, when one Smt. Sabbavarapu Varalakshmi W/o. Sabbavarapu Yerranaidu, sitting congress M.P.T.C.

Member of R.Y. Agraharam was forcibly abducted by Sabbbavarapu Ramunaidu and other M.P.T.C. Members of T.D.P. on 19.10.2004 from her house and a case in Crime No.17 of 2004 of A. Koduru Police Station was registered and pending investigation as being illegal, unjust, arbitrary and violative of Articles 14 and 21 of constitution of India and the provisions of A.P. Panchayat Raj Act of 1994.

Counsel for the Petitioner:MR.E.V.BHAGIRATHA RAO

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEVELOPMENT

The Court at the stage of admission made the following ORDER:

In view of the full bench judgment delivered today

i.e. 26-10-2004 by this Court in W.A.No.1221 of 2004, the remedy of the petitioner is only to challenge the elections by way of an election petition. If any irregularity is committed during the course of election, the same can be challenged by way of election petition only.

The writ petition is accordingly dismissed. However, leave and liberty is granted to the petitioner, if so advised, to challenge the election by way of an election petition. No costs.

26th OCTOBER, 2004.

kvni

To

1 The Revenue Divisional Officer, Visakhapatnam.
2 The District Collector, Visakhapatnam.
3 The Mandal Development Officer, K. Kotapadu Mandal and Po. Visakhapatnam District.

4 Two CCs to the Government Pleader for Panchayat Raj and Rural Development, A.P.High Court Buildings, Hyderabad (OUT)

5 Two CD copies.